

STAFF REPORT

Planning & Zoning Commission: September 11, 2006

APPLICANT: New Hope Assembly of God of Brooksville, Inc. **FILE NUMBER:** SE-06-06

PURPOSE: Special Exception Use Permit for Place of Public Assembly

GENERAL

LOCATION: South side of Cortez Blvd, approximately 664' west of White Road

LEGAL

DESCRIPTION: A portion of Section 2, Township 23 South, Range 20 East, Hernando County, FL

FILE STATUS: All requirements necessary to conduct the public hearing have been satisfied.

Citizen correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

North: Agricultural

Undeveloped

South: Agricultural

Mobile Home

East: Agricultural

Undeveloped

West: Agricultural

Private Institution/Church

SUMMARY OF REQUEST

The petitioner has submitted a request for a special exception use permit on this approximately 5.0 acre property. The subject property is located south of Cortez Blvd and west of White Road.

FACTUAL INFORMATION

1. The property is currently zoned AG (Agricultural)
2. The property comprises approximately 5.0 acres.
3. This property has been developed with a single-family home that is being utilized as a church.
4. The site appears to have some majestic and specimen trees.

5. The subject property has access from Cortez Boulevard and White Road.
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil types are Sparr fine sand, Kendrick and Candler fine sands. Candler fine sand provides a habitat suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, Special Protection Areas or Wellhead Protection Areas according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The surrounding area is characterized by agricultural, mobile home and undeveloped uses.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The subject property has been developed with a single family home which is being utilized as a place of public assembly. The petitioner indicated that while researching the development standards for a potential future building expansion, they were informed that no special exception use permit had ever been obtained on the property. A place of public assembly is an allowable use in the Agricultural zoning district with approval of a special exception use permit.

The petitioner has applied for a special exception use permit for a place of public assembly in order to operate as part of the Peninsular Florida District Assembly of God. The purpose of the petitioner's request is to bring the existing operation into conformance, and receive approval for a new building in the future. The petitioner has verbally stated that the new building would be approximately 40' x 60' (2,400 Sq Ft.), and per the plan submitted, will be located behind the existing building toward the southern end of the site. The petitioner states that services are held Sundays, 10 a.m. and 6 p.m., and Wednesday night at 7 p.m. A screened room has been erected on the site to serve both as a fellowship hall and youth activities.

If approved, the petitioner would be required to bring the existing building and parking into conformance with the county's land development regulations.

Additionally, the site includes two metal sheds which are used for the church's food pantry ministry. The food pantry receives canned goods from another church, as well as produce and fruits from a local supermarket. Food is provided to needy families, and on an emergency basis.

Access to the site is via a 30' wide strip to State Road 50, and to White Road. Neither accessway is improved. The county engineer has reviewed the request and indicated that access should be restricted to Cortez Boulevard (SR 50) due to the fact that White Road is unimproved at the present time. Additionally, development on property along SR 50 is required to provide a frontage road, at no cost to the county, upon demonstration of need and demand by the County.

The county's transportation coordinator has reviewed the request and indicated no concerns regarding the petitioner's proposal.

Development on the subject property must meet the minimum setbacks for the underlying Agricultural Zoning Category. The minimum land development regulations (LDRs) would require 0.3 parking spaces per seat based on maximum occupancy of the sanctuary. The petitioner indicates that there will be approximately 200 seats in the sanctuary. Sixty (60) parking spaces would be required.

The LDRs indicate that places of public assembly may have up to fifty percent of the required parking spaces (including aisles) surfaced with grass, lawn or other materials as designated in the County parking lot standards; however, if parking demand is such that said grass, lawn or other material is caused to be damaged or destroyed to the extent that said grass or lawn ceases to grow, or the other material otherwise causes a nuisance to the neighborhood, then paving may be required by the Zoning Administrator. The petitioner has verbally indicated their intent to provide a paved parking area. The existing facility is served by unimproved parking which would have to be brought up to standards if the special exception use permit is approved.

The Utilities Department has indicated that water and sewer capacity are available. There is an existing 16-inch water line on the south side of SR 50 in front of the parcel and an existing 8-inch sewer force main on the south side of SR 50 in front of the parcel. Connection to the sewer force main will require the installation of a sewer pump station at the owners' expense. The applicant will have to connect to water and/or sewer if they meet the connection standards of the applicable ordinances at the time they apply for development permits

The Florida Department of Transportation has been notified of the petitioner's request, no comments have been received.

FINDINGS OF FACT

The area contains agricultural, private institution, mobile homes and undeveloped uses. The subject property has been developed with single family home that has been used as a place of public assembly.

A special exception use permit is an additional use which may be granted by the Planning and Zoning Commission in accordance with the LDRs. As part of the review, the Planning and Zoning Commission must determine that the tract of land is suitable for the type of special exception use proposed by virtue of its location, shape, topography and nature of surrounding development. The P&Z has the ability to assign reasonable conditions to the approval, and may prescribe reasonable time limits for the special exception use permit.

A special exception use permit is a use which is appropriate in a zoning district if safeguards are imposed but which would impair the integrity and character of the district in which it is located, or in adjoining districts unless restrictions or conditions on location, size, extent and character of performance are imposed in addition to those imposed in the ordinance.

The special exception use permit is a land use determination only, all applicable development rules would have to be met if the permit is approved.

The request for special exception use permit for a public assembly is appropriate, based on the following conclusions:

1. The place of public assembly would be compatible with the surrounding land uses with performance conditions.
2. The place of public assembly is consistent with the County's adopted Comprehensive Plan subject to compliance with all performance conditions herein.

The special exception process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATION:

It is recommended that the Planning and Zoning Commission approve the petitioner's request for a special exception use permit for an educational facility, with the following performance conditions:

1. The petitioner must obtain all necessary permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The special exception use permit is approved in include the existing place of public assembly and accessory buildings, and a future building not to exceed 40' x 60 with the associated parking.
3. Setbacks approved are per the AG (Agricultural) zoning district.
4. The petitioner shall provide a buffer along the southern boundary of the site a minimum 5' in height.
5. No access to White Road will be granted until such time as the road as been improved.
- 6.. The petitioner shall provide a revised plan within 30 days of Planning and Zoning Commission approval reflecting the performance conditions or the special exception use permit will be null and void.